

Substitute Bill No. 957

January Session, 2017



AN ACT CONCERNING THE REGULATION OF GAMING AND THE AUTHORIZATION OF A CASINO GAMING FACILITY IN THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 12-557b of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective from passage*):
- 3 As used in this chapter, sections 12-579 and 12-580, [and] chapter
- 4 226b, sections 2 to 5, inclusive, of this act, and section 53-278g, as
- 5 <u>amended by this act,</u> unless the context otherwise requires:
- 6 (1) "Commissioner" means the Commissioner of Consumer 7 Protection:
- 8 (2) "Department" means the Department of Consumer Protection;
- 9 (3) "Business organization" means a partnership, incorporated or
- 10 unincorporated association, firm, corporation, trust or other form of
- 11 business or legal entity, other than a financial institution regulated by a
- 12 state or federal agency which is not exercising control over an
- 13 association licensee, [; and] but does not mean a governmental or
- 14 <u>sovereign entity;</u>
- 15 (4) "Control" means the power to exercise authority over or direct
- the management and policies of a person or business organization; [.]

- 17 (5) "Casino gaming facility" means any casino gaming facility
 18 authorized by any provision of the general statutes or a public or
 19 special act to conduct authorized games on its premises, but does not
 20 include any casino gaming facility located on Indian lands pursuant to
 21 the Indian Gaming Regulatory Act, P.L. 100-497, 25 USC 2701 et seq.;
- 22 (6) "Authorized game" means any game of chance specifically
 23 authorized to be conducted at a casino gaming facility by any
 24 provision of the general statutes or a public or special act; and
- 25 (7) "Gross gaming revenue" means the total of all sums actually 26 received by a casino gaming facility from gaming operations less the 27 total of all sums paid as winnings to patrons of the casino gaming 28 facility, provided the total of all sums paid as winnings to such patrons 29 shall not include the cash equivalent value of any merchandise or 30 thing of value included in a jackpot or payout, and provided further 31 the issuance to or wagering by such patrons of any promotional 32 gaming credit shall not be included in the total of all sums actually 33 received by a casino gaming facility for the purposes of determining 34 gross gaming revenue.
 - Sec. 2. (NEW) (Effective from passage) (a) Not later than twelve months after the date any authorization of a casino gaming facility by any provision of the general statutes or a public or special act is effective, the commissioner shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, for the administration of casino gaming facilities. Such regulations shall include provisions to protect the public interest in the integrity of gaming operations and reduce the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming. Such regulations shall include, but need not be limited to:
- 45 (1) Minimum accounting standards for a casino gaming facility;
- 46 (2) Minimum security procedures including the video monitoring of casino gaming facilities;

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- 48 (3) Approved hours of operation for gaming and nongaming activities at casino gaming facilities;
- 50 (4) Procedures governing the manufacture, sale, lease and 51 distribution of gaming devices and equipment for use in casino 52 gaming facilities;
- 53 (5) Procedures for the recovery of winnings by patrons of casino 54 gaming facilities;
- (6) Procedures governing how gross gaming revenue is calculated and reported by a casino gaming facility;
- 57 (7) Requirements for regular auditing of the financial statements of a casino gaming facility;
- 59 (8) Procedures to be followed by any casino gaming facility for cash 60 transactions;
- 61 (9) Procedures regarding the maintenance of lists of persons banned 62 from any casino gaming facility and security measures to enforce such 63 bans;
- 64 (10) Standards for the provision of complimentary goods and 65 services to casino gaming facility patrons;
- 66 (11) Minimum standards of training for persons employed in a 67 casino gaming facility;
- 68 (12) Procedures governing the submission of standards of operation 69 and management of gaming operations by casino gaming facilities to 70 the commissioner; and
- 71 (13) Requirements for information and reports from casino gaming 72 facilities to enable effective auditing of casino gaming operations.
- 73 (b) Until such regulations are adopted and in effect, a casino gaming 74 facility may operate pursuant to its standards of operation and

75 management, provided such standards are approved by the commissioner pursuant to section 3 of this act.

- Sec. 3. (NEW) (Effective from passage) (a) Each casino gaming facility shall submit to the commissioner a description of its standards of operation and management of all gaming operations. The description shall include: (1) Accounting controls to be used in casino gaming operations, (2) job descriptions for all positions involved in casino gaming operations, (3) procedures for the security of chips, cash and other cash equivalents used in authorized games, (4) procedures for the safety and security of patrons of the casino gaming facility, (5) procedures and rules governing the conduct of any authorized games conducted at the casino gaming facility, (6) a certification by the attorney of the casino gaming facility that the submitted standards of operation and management conform to state law and regulations governing casino gaming operations, (7) a certification by the chief financial officer of the casino gaming facility or an independent auditor that the submitted standards of operation and management provide adequate and effective controls, establish a consistent overall system of procedures and administrative and accounting controls and conform to generally accepted accounting principles, and (8) any other standards required by the commissioner.
- (b) The commissioner shall approve or reject a submission of standards of operation and management required under subsection (a) of this section not later than sixty days after the date on which the commissioner received such standards. If the commissioner fails to approve or reject a submission of standards of operation and management not later than sixty days after the date on which the commissioner received such standards of operation and management, such standards of operation and management shall be deemed approved. No casino gaming facility may commence casino gaming operations unless such standards of operation and management are approved by the commissioner or deemed approved.
 - (c) No casino gaming facility shall revise any standards of operation

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- and management that have been approved by the commissioner pursuant to subsection (b) of this section unless the revision has been approved by the commissioner. If the commissioner fails to approve or reject a submitted revision not later than sixty days after the date on which the commissioner received such revision, such revision shall be deemed approved.
 - (d) A casino gaming facility aggrieved by an action of the commissioner under the provisions of this section may request in writing a hearing before the commissioner. Such hearing shall be held in accordance with the provisions of chapter 54 of the general statutes. The casino gaming facility may appeal from the final decision in accordance with the provisions of section 4-183 of the general statutes.
- (e) The commissioner shall periodically review a casino gaming facility's compliance with state law and regulations governing casino gaming facilities.
 - Sec. 4. (NEW) (*Effective from passage*) (a) No person may commence or continue employment on the gaming floor or in a gaming-related position in a casino gaming facility unless such person holds a gaming employee license issued by the commissioner pursuant to this section.
 - (b) No person or business organization may provide more than twenty-five thousand dollars of nongaming goods or services per year in a casino gaming facility unless such person or business organization holds a nongaming vendor license issued by the commissioner pursuant to this section.
- (c) No person or business organization may provide gaming services or gaming equipment to a casino gaming facility unless such person or business organization holds a gaming services license issued by the commissioner pursuant to this section.
 - (d) No business organization, other than a shareholder in a publicly traded corporation, may exercise control in or over a licensee licensed pursuant to this section unless such business organization holds a

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- gaming affiliate license issued by the commissioner pursuant to this section.
- 141 (e) Each applicant for a license issued pursuant to this section shall 142 submit a completed application on forms prescribed by the 143 commissioner. Such application forms may require the applicant to 144 submit information as to: (1) Financial standing and credit; (2) moral 145 character; (3) criminal record, if any; (4) previous employment; (5) 146 corporate, partnership or association affiliations; (6) ownership of 147 personal assets; and (7) any other information as the commissioner 148 deems pertinent to the issuance of such license.
- 149 (f) The commissioner shall, as soon as practicable after the receipt of 150 a completed license application, grant or deny the license application. 151 Any license issued by the commissioner pursuant to this section shall 152 be effective for not more than one year from the date of issuance. 153 Applications for renewal of any such license shall be on such form as 154 prescribed by the commissioner. Any holder of a license issued 155 pursuant to this section who submits an application to renew such 156 license may continue to be employed by a casino gaming facility or 157 provide services to a casino gaming facility until the commissioner 158 grants or denies such renewal application.
 - (g) The commissioner may issue a temporary license at the request of any person who has submitted an application for a license under this section. The commissioner shall require such applicant to submit to state and national criminal history records checks before receiving a temporary license. The criminal history records checks shall be conducted in accordance with section 29-17a of the general statutes. A temporary license shall expire when the commissioner grants or denies the pending application for a license under this section.
 - (h) The commissioner may investigate any person or business organization that holds a license pursuant to this section at any time and may suspend or revoke such license for good cause after a hearing held in accordance with the provisions of chapter 54 of the general

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- statutes. Any person or business organization whose license is
- suspended or revoked, or any applicant aggrieved by the action of the
- 173 commissioner concerning an application for a license or renewal
- 174 application, may appeal pursuant to section 4-183 of the general
- 175 statutes.
- 176 Sec. 5. (NEW) (Effective from passage) (a) For the purposes of this
- section, "alcoholic liquor" has the same meaning as provided in section
- 178 30-1 of the general statutes.
- (b) Except as provided in subsection (c) of this section, no person
- 180 under the minimum age for purchase of alcoholic liquor under the
- provisions of chapter 545 of the general statutes shall be admitted onto
- the gaming floor of any casino gaming facility nor be permitted to
- 183 participate in any authorized games.
- (c) A person eighteen years of age or older but under the minimum
- age for the purchase of alcoholic liquor may be employed in a casino
- 186 gaming facility provided such person is licensed by the commissioner
- pursuant to section 4 of this act and such employment does not involve
- 188 handling or serving alcoholic liquor.
- Sec. 6. Section 12-561 of the general statutes is repealed and the
- 190 following is substituted in lieu thereof (*Effective from passage*):
- 191 No commissioner or unit head or employee of the department shall
- directly or indirectly, individually or as a member of a partnership or
- as a shareholder of a corporation, have any interest whatsoever in
- dealing in any lottery, racing, fronton, [or] betting enterprise or casino
- 195 gaming facility or in the ownership or leasing of any property or
- premises used by or for any lottery, racing, fronton, [or] betting
- 197 enterprise or casino gaming facility. No commissioner or unit head
- shall, directly or indirectly, wager at any off-track betting facility, race
- track or fronton authorized under this chapter, [or] purchase lottery
- 200 tickets issued under this chapter or play any game of chance at a
- 201 casino gaming facility authorized by any provision of the general

- statutes or a public or special act. The commissioner may adopt regulations in accordance with the provisions of chapter 54 to prohibit any employee of the department from engaging, directly or indirectly, in any form of legalized gambling activity in which such employee is involved because of his <u>or her</u> employment with the department. For purposes of this section, "unit head" means a managerial employee with direct oversight of a legalized gambling activity.
- Sec. 7. Subsection (a) of section 12-562 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 212 (a) Except as provided in subsection (b) of this section, the 213 commissioner shall have power to enforce the provisions of this 214 chapter and chapter 226b, and shall adopt all necessary regulations for 215 that purpose and for carrying out, enforcing and preventing violation 216 of any of the provisions of this chapter, for the inspection of licensed 217 premises, [or] enterprises or casino gaming facilities, for insuring 218 proper, safe and orderly conduct of licensed premises, [or] enterprises 219 or casino gaming facilities and for protecting the public against fraud 220 or overcharge. The commissioner shall have power generally to do 221 whatever is reasonably necessary for the carrying out of the intent of 222 this chapter; and may call upon other administrative departments of 223 the state government and of municipal governments for such 224 information and assistance as he or she deems necessary to the 225 performance of his or her duties. The commissioner shall set racing 226 and jai alai meeting dates, except that the commissioner may delegate 227 to designated staff the authority for setting make-up performance 228 dates. The commissioner shall, as far as practicable, avoid conflicts in 229 the dates assigned for racing or the exhibition of the game of jai alai in 230 the state.
- Sec. 8. Section 12-563a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 233 The Commissioner of Consumer Protection shall, within available

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- 234 resources, prepare and distribute informational materials designed to 235 inform the public of the programs available for the prevention, 236 treatment and rehabilitation of compulsive gamblers in this state. The 237 commissioner shall require any casino gaming facility and any person 238 or business organization which is licensed to sell lottery tickets, 239 operate an off-track betting system or conduct wagering on racing 240 events or jai alai games, to display such informational materials at the 241 casino gaming facility and each licensed premise.
- Sec. 9. Section 12-577 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 244 The commissioner shall annually cause to be made by some 245 competent person or persons in the department a thorough audit of 246 the books and records of each association licensee under this chapter 247 and each casino gaming facility and the commissioner may, from time 248 to time, cause to be made by some competent person in the 249 department a thorough audit of the books and records of any other 250 person or business organization licensed under this chapter. All such 251 audit records shall be kept on file in the commissioner's office at all 252 times. Each licensee and casino gaming facility shall permit access to 253 its books and records for the purpose of having such audit made, and 254 shall produce, upon written order of the commissioner, any documents 255 and information required for such purpose.
- Sec. 10. Section 12-578 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, governing registration and the issuance and annual renewal of licenses and payment of annual nonrefundable application fees for the same in accordance with the following schedule:
- 263 (1) Registration: (A) Stable name, one hundred dollars; (B) partnership name, one hundred dollars; (C) colors, twenty dollars; (D)

kennel name, one hundred dollars.

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(2) Licenses: (A) Owner, one hundred dollars; (B) trainer, one hundred dollars; (C) assistant trainer, one hundred dollars; (D) jockey, forty dollars; (E) jockey agent, for each jockey, one hundred dollars; (F) stable employees, including exercise boy, groom, stable foreman, hot walker, outrider, twenty dollars; (G) veterinarian, one hundred dollars; (H) jockey apprentice, forty dollars; (I) driver, one hundred dollars; (J) valet, twenty dollars; (K) blacksmith, twenty dollars; (L) plater, twenty dollars; (M) concessionaire, for each concession, two hundred fifty dollars; (N) concessionaire affiliate, for each concession of the concessionaire, two hundred fifty dollars; (O) concession employees, twenty dollars; (P) jai alai players, one hundred dollars; (Q) officials and supervisors, one hundred dollars; (R) pari-mutuel employees, forty dollars; (S) other personnel engaged in activities regulated under this chapter, twenty dollars; (T) vendor, for each contract, two hundred fifty dollars; (U) totalizator, for each contract, two hundred fifty dollars; (V) vendor and totalizator affiliates, for each contract of the vendor or totalizator, two hundred fifty dollars; (W) gaming employee, forty dollars; (X) nongaming vendor, two hundred fifty dollars; (Y) gaming services, five hundred dollars; and (Z) gaming affiliate, two hundred fifty dollars. For the purposes of this subdivision, "concessionaire affiliate" means a business organization, other than a shareholder in a publicly traded corporation, that may exercise control in or over a concessionaire; and "concessionaire" means any individual or business organization granted the right to operate an activity at a dog race track or off-track betting facility for the purpose of making a profit that receives or, in the exercise of reasonable business judgment, can be expected to receive more than twenty-five thousand dollars or twenty-five per cent of its gross annual receipts from such activity at such track or facility.

(b) The commissioner shall require each applicant for a license under subdivision (2) of subsection (a) of this section to submit to state and national criminal history records checks before such license is

- issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.
- Sec. 11. Section 53-278g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) Nothing in sections 53-278a to [53-278g] 53-278f, inclusive, shall be construed to prohibit the publication of an advertisement of, or the operation of, or participation in, a state lottery, pari-mutuel betting at race tracks licensed by the state, off-track betting conducted by the state or a licensee authorized to operate the off-track betting system, authorized games at a casino gaming facility, a promotional drawing for a prize or prizes, conducted for advertising purposes by any person, firm or corporation other than a retail grocer or retail grocery chain, wherein members of the general public may participate without making any purchase or otherwise paying or risking credit, money, or any other tangible thing of value or a sweepstakes conducted pursuant to sections 42-295 to 42-301, inclusive.
 - (b) The Mashantucket Pequot tribe and the Mohegan Tribe of Indians of Connecticut, or their agents, may use and possess at any location within the state, solely for the purpose of training individuals in skills required for employment by the tribe or testing a gambling device, any gambling device which the tribes are authorized to utilize on their reservations pursuant to the federal Indian Gaming Regulatory Act; provided no money or other thing of value shall be paid to any person as a result of the operation of such gambling device in the course of such training or testing at locations outside of the reservation of the tribe. Any person receiving such training or testing such device may use any such device in the course of such training or testing. Whenever either of said tribes intends to use and possess at any location within the state any such gambling device for the purpose of testing such device, the tribe shall give prior notice of such testing to the Department of Consumer Protection.
- 329 (c) Any casino gaming facility, or its agents, may use and possess at

- 330 any location within the state, solely for the purpose of training individuals in skills required for employment by the casino gaming 331 facility or testing a gambling device, any gambling device which the 332 333 casino gaming facility may use for conducting authorized games at the 334 casino gaming facility, provided no money or other thing of value shall 335 be paid to any person as a result of the operation of such gambling 336 device in the course of such training or testing at locations outside of the casino gaming facility. Any person receiving such training or 337 338 testing such device may use any such device in the course of such 339 training or testing. Whenever a casino gaming facility intends to use 340 and possess at any location within the state any such gambling device 341 for the purpose of testing such device, the casino gambling facility 342 shall give prior notice of such testing to the Department of Consumer 343 Protection.
- Sec. 12. Subsection (a) of section 30-37k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 347 (a) As used in this section and subsection (a) of section 30-91: (1) 348 "Casino" means the premises within which a gaming facility is 349 operated with other facilities, including, but not limited to, restaurants, hotels, nightclubs, bingo halls or convention centers; and (2) "gaming 350 351 facility" means a room or rooms within which class III gaming, as 352 defined in the Indian Gaming Regulatory Act, P.L. 100-497, 25 USC 353 2701, et seq., or an authorized game, as defined in section 12-557b, as 354 amended by this act, is legally conducted.
- Sec. 13. (NEW) (*Effective from passage*) (a) For the purposes of this section and section 14 of this act:
- 357 (1) "Authorized games" means any game of chance, including, but 358 not limited to, blackjack, poker, dice, money-wheels, roulette, baccarat, 359 chuck-a-luck, pan game, over and under, horse race game, acey-deucy, 360 beat the dealer, bouncing ball, video slot machines and any other game 361 of chance authorized by the Commissioner of Consumer Protection;

- 362 (2) "Mashantucket Pequot memorandum of understanding" means 363 the memorandum of understanding entered into by and between the 364 state and the Mashantucket Pequot Tribe on January 13, 1993, as 365 amended on April 30, 1993;
- 366 (3) "Mashantucket Pequot procedures" means the Final 367 Mashantucket Pequot Gaming Procedures prescribed by the Secretary 368 of the United States Department of the Interior pursuant to Section 369 2710(d)(7)(B)(vii) of Title 25 of the United States Code and published in 370 56 Federal Register 24996 (May 31, 1991);
- 371 (4) "MMCT Venture, LLC" means a limited liability company 372 described in subsection (d) of this section;
- 373 (5) "Mohegan compact" means the Tribal-State Compact entered 374 into by and between the state and the Mohegan Tribe of Indians of 375 Connecticut on May 17, 1994; and
- 376 (6) "Mohegan memorandum of understanding" means the 377 memorandum of understanding entered into by and between the state 378 and the Mohegan Tribe of Indians of Connecticut on May 17, 1994.
- 379 (b) MMCT Venture, LLC, is authorized to conduct authorized 380 games at a casino gaming facility at 171 Bridge Street, East Windsor, 381 Connecticut.
- 382 (c) Such authorization shall not be effective until the following 383 conditions have been met:
- 384 (1) The Governor enters into an amendment to the Mashantucket 385 Pequot procedures and to the Mashantucket Pequot memorandum of 386 understanding with the Mashantucket Pequot Tribe and an 387 amendment to the Mohegan compact and to the Mohegan 388 memorandum of understanding with the Mohegan Tribe of Indians of 389 Connecticut concerning the operation of a casino gaming facility in the 390 state. Each amendment shall include a provision that the authorization 391 of MMCT Venture, LLC, to conduct authorized games in the state does

- not terminate the moratorium against the operation of video facsimile games by the Mashantucket Pequot Tribe and Mohegan Tribe of Indians of Connecticut on each tribe's reservation;
- 395 (2) The amendment to the Mashantucket Pequot procedures and to 396 the Mohegan compact is approved by the General Assembly pursuant 397 to section 3-6c of the general statutes;
- 398 (3) The amendment to the Mashantucket Pequot procedures and to 399 the Mohegan compact is approved by the Secretary of the United 400 States Department of the Interior pursuant to 25 CFR 291.14 and 25 401 CFR 293.4, respectively, and any judicial review or period for judicial 402 review, whichever is later, with regard to such approval by the 403 Secretary provided under the federal Administrative Procedure Act, 5 404 USC 551 et seq., has concluded;
- 405 (4) The amendment to the Mashantucket Pequot memorandum of 406 understanding and to the Mohegan memorandum of understanding is 407 approved by the General Assembly pursuant to the process described 408 in section 3-6c of the general statutes; and
 - (5) The Mashantucket Pequot Tribe and Mohegan Tribe of Indians of Connecticut (A) waive sovereign immunity with respect to any action brought by or against the state concerning the casino gaming facility in the state, and (B) agree to bring any such action against the state before the superior court for the judicial district of Hartford.
- 414 (d) Such authorization shall apply to MMCT Venture, LLC, 415 provided (1) MMCT Venture, LLC, is a limited liability company 416 jointly and exclusively owned by the Mashantucket Pequot Tribe and 417 the Mohegan Tribe of Indians of Connecticut, (2) no other person or 418 business organization holds an equity interest in MMCT Venture, LLC, 419 and (3) each tribe holds at least a twenty-five per cent equity interest in 420 MMCT Venture, LLC. If MMCT Venture, LLC, ceases to be a limited 421 liability company jointly and exclusively owned by the Mashantucket 422 Pequot Tribe and the Mohegan Tribe of Indians of Connecticut in

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- which each tribe holds at least a twenty-five per cent equity interest, such authorization shall become void.
- Sec. 14. (NEW) (*Effective from passage*) (a) For the purposes of this section, "gross gaming revenue" has the same meaning as provided in section 12-557b of the general statutes, as amended by this act.
- 428 (b) Not later than thirty days after the date the authorization of 429 MMCT Venture, LLC, to conduct authorized games at a casino gaming 430 facility is effective pursuant to section 13 of this act, MMCT Venture, 431 LLC, shall pay to the state one million dollars to provide for the initial 432 costs to be incurred by the state to regulate the casino gaming facility. 433 Such money shall be credited against unpaid required payments 434 pursuant to subsection (c) of this section for the first full calendar year 435 in which the casino gaming facility is conducting authorized games.
 - (c) Not later than thirty days after the date the casino gaming facility is operational and on a monthly basis thereafter while such casino gaming facility is operational, MMCT Venture, LLC, shall pay to the state (1) twenty-five per cent of the gross gaming revenue from the operation of video slot machines at the casino gaming facility, which shall be deposited in the General Fund, and (2) twenty-five per cent of the gross gaming revenue from the operation of all other authorized games at the casino gaming facility, fifteen per cent of which shall be deposited in the state-wide tourism marketing account, established pursuant to section 10-395a of the general statutes, and ten per cent of which shall be deposited in the General Fund.
 - (d) Not later than the date the casino gaming facility is operational and annually thereafter while such casino gaming facility is operational, MMCT Venture, LLC, shall contribute three hundred thousand dollars to the Connecticut Council on Problem Gambling.

This act shall take effect as follows and shall amend the following				
sections:				
Section 1	from passage	12-557b		

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Sec. 2	from passage	New section
Sec. 3	from passage	New section
Sec. 4	from passage	New section
Sec. 5	from passage	New section
Sec. 6	from passage	12-561
Sec. 7	from passage	12-562(a)
Sec. 8	from passage	12-563a
Sec. 9	from passage	12-577
Sec. 10	from passage	12-578
Sec. 11	from passage	53-278g
Sec. 12	from passage	30-37k(a)
Sec. 13	from passage	New section
Sec. 14	from passage	New section

PS Joint Favorable Subst.

APP Joint Favorable